

United States District Court
MIDDLE DISTRICT OF TENNESSEE (NASHVILLE DIVISION)

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.

OCT 02 2009

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

BY _____
DEPUTY CLERK

JOEL H. GILCHRIST

Case Number: 09-4085 JSB

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 5, 2009; August 10, 2009; and September 29, 2009 in Rutherford County, in the Middle District of Tennessee defendant(s) did,

Knowingly distribute or attempt to distribute child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; and knowingly possessed any computer or computer media containing an image of child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means.

in violation of Title 18 United States Code, Section(s) 2252A(a)(2)(A) and 2252A(a)(5)(B). I further state that I am a Detective with the Franklin Police Department's Internet Crimes Against Children Task Force and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Brett S. Kniss

Signature of Complainant

Brett S. Kniss

Detective, Franklin Police Department

Sworn to me and subscribed in my presence,

October 2, 2009

Date

at

Nashville, Tennessee

City and State

John S. Bryant, United States Magistrate Judge

Name & Title of Judicial Officer

John S. Bryant
Signature of Judicial Officer

AFFIDAVIT OF DETECTIVE BRETT KNISS
Franklin Police Department Internet Crimes Against Children Task Force

Brett A. Kniss, being first duly sworn on oath, states as follows:

1. I am a detective with the Franklin Police Department's Internet Crimes Against Children (ICAC) Task Force and have been employed with the Franklin Police Department for approximately ten years.
2. This affidavit is submitted in support of a Criminal Complaint for the arrest of **JOEL H. GILCHRIST**, for the following offense:
 - a. On or about April 5, 2009 and August 10, 2009, in the Middle District of Tennessee and elsewhere, Joel H. Gilchrist did knowingly distribute and attempt to distribute any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252(a)(2)(A).
 - b. On or about September 29, 2009, in the Middle District of Tennessee and elsewhere, Joel H. Gilchrist did knowingly possesses a computer and computer media that contained an image of child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, in violation of Title 18, United States Code, Section 2252(a)(5)(B).
3. The following information contained in this affidavit is based on my training and experience, my personal participation in this investigation and information provided to me by other law enforcement officials. Unless otherwise indicated, where I have referred to written or oral statements, I have summarized them in substance and in part, rather than verbatim. Not all of the facts of the investigation known to me are contained herein, only those necessary to establish probable cause for the arrest of Joel H. Gilchrist.
4. On April 5, 2009, I was conducting an undercover online peer-to-peer investigation and directly connected to a computer, associated with the IP address of 68.52.105.61, that contained a number of images and videos, many of which were known child pornography. I was able to download several files of child sexual abuse images from that computer, including the following file:

lsbar-005a-095 (bd company lsm ls-models ls-magazine ls-island).jpg: a still image of a young female child approximately eight to eleven years age. The images shows her from the waist down and naked. Her legs are spread open and the focal point of the child is her genitals.

Also on the computer were several other files that I have seen before in previous investigations:

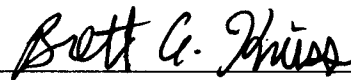
MafiaSex.Ru_Children_Kids_Hard_000296_ChildPorn_Collection_5_Pussy_Illegal_Preteen_Underage_Lolita_Kiddy_Child_Incest_XXX_Porno_Gay_Fuck_Young_Naked_Nude_Little_Girl_edited.jpg: a still image of a brown haired, prepubescent female being vaginally penetrated by the penis of an adult male.

(Pthc) (Webcam) Blonde&Bf 14 Yr Old Jacking Off To Preteen Lolita Pussy Then Cumin On Stomach Sex Rape Russian Incest Underage Dick Boy Girl Cum Mpg.mpg: a video clip that is 5 minutes and 49 seconds in length. It depicts a teen aged female performing oral sex on a teen aged male on a web cam.

5. Through my investigation, I discovered that the customer account associated with the IP address of 68.52.105.61 through which I downloaded and observed these files was assigned by Comcast to Joel H. Gilchrist, 107 Timberview Circle, Laverne, TN 37086.
6. After receiving information on August 10, 2009, that a Metropolitan Nashville Police Department (MNPd) ICAC detective had also discovered child pornography being shared from a computer associated with the IP address of 68.52.105.61, I initiated another undercover investigation and established a direct connection to the computer associated with the IP address of 68.52.105.61. I received a list of the files available for download in the shared folder of the computer associated with the IP address of 68.52.105.61. The list had over 18,000 titles, most of which have common child pornography terms. At least 1,500 of these files have been observed by investigators throughout the world as being child pornography.
7. On September 28, 2009, I obtained a state search warrant to search the home at 107 Timberview Circle, Laverne, Rutherford County, Tennessee, 37086, associated with this computer account for evidence of distribution, receipt, and possession of child pornography.
8. On September 29, 2009, I executed that search warrant with a team of law enforcement officers from La Vergne Police Department, Franklin Police Department, Rutherford County Sheriff's Department, and the Tennessee Bureau of Investigations. When we arrived, Joel H. Gilchrist was not home, but he arrived just a few minutes later.
9. I introduced myself to Gilchrist, informed him that he was not under arrest, and explained that we were conducting an investigation regarding a computer inside his residence. After providing a copy of the search warrant to Gilchrist, I then recited the Miranda warnings to him, and we explained some of the details of the investigation, detailing why we believed that these images of child pornography were on a computer within his residence. Gilchrist indicated that he had a wireless router in his house that was secured. He stated that he has used Limewire to download music. He eventually admitted that he does have some images of child pornography on one of his computers upstairs. Gilchrist stated that he first looked at child pornography while he was subscribing to a paid website that had several image galleries with nude preteen girls ranging in age from seven to twelve. He stated that his

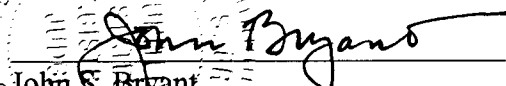
interest in child pornography started approximately three to five years ago. Gilchrist later stated that he has a problem with looking at all types and all ages of pornography and that he has between 200-300 gigabytes of pornography, of which approximately 15 percent is child pornography. He stated that he has approximately 19,000 files in his shared folder in Limewire.

10. During the search, one investigator discovered a piece of paper with some common child pornography terms handwritten on it with some numbers written after them that appeared to be either a monetary value or a movie time length. I asked Mr. Gilchrist about these names. He stated that he would watch these movies from a paid website and check them off after he watched them.
11. During the search, we also discovered of several CDs found in a drawer next to a computer desk that were labeled "CP" or had terms associated with child pornography written on them.
12. Other items of concern were found during the search, including several devices known to be used in sado-masochistic/bondage sex acts and sex toys representing a male's penis.
13. On October 1, 2009, I previewed the CDs and observed sexually explicit images and/or videos of children on eleven of them. The CDs contained over 4500 files, of which 2548 were previously documented as containing child pornography. There were many more files of child pornography that have not been previously documented.
14. The forensic analysis of the computers and hard drives, which contain approximately 3 terabytes of information, is ongoing and likely to take some time due to the vast number of images and videos of child pornography.



Brett Kniss
Detective, Franklin Police Department,
Internet Crimes Against Children Task Force

Subscribed and Sworn to
before me this 2nd day of October, 2009.



John E. Bryant
United States Magistrate Judge
Middle District of Tennessee